



# **City of Keller**

## **City Council**

### **Meeting Minutes**

Keller Town Hall  
1100 Bear Creek Parkway  
Keller, TX 76248  
817-743-4000  
www.cityofkeller.com

Tuesday, March 7, 2017

#### **PRE-COUNCIL MEETING 5:00 P.M.**

#### **A. CALL TO ORDER - Mayor Mark Mathews called the Pre-Council Meeting to order at 5:01 P.M.**

**PRESENT:** Mayor Mark Mathews, Council Member Armin Mizani, Council Member Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, Council Member Bill Hodnett, and Mayor Pro Tem Rick Barnes.

#### **STAFF**

**PRESENT:** City Manager Mark Hafner, City Secretary Kelly Ballard, City Attorney Stan Lowry, Director of Human Resources/Interim Director of Administrative Services Carolyn Nivens, Director of Community Services Cody Maberry, Director of Public Works Alonzo Liñán, Director of Finance Aaron Rector, Director of Information Technology Sean Vreeland, Police Chief Mike Wilson, and Fire Chief David Jones.

#### **B. DISCUSS AND REVIEW AGENDA ITEMS – The City Council discussed and reviewed the agenda items.**

#### **C. EXECUTIVE SESSION**

Mayor Mark Mathews adjourned the meeting to Executive Session during the Pre-Council Meeting for the following purposes allowed in Chapter 551 of the Texas Government Code:

1. Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.
  - (1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

- (2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.

3. Adjourn into Open Meeting.

**The Pre-Council Meeting was called back to order by Mayor Mark Mathews.**

4. Action on Executive Session Item 1 if necessary.

1. No action taken.

## **D. WORK SESSION**

1. Discuss Northeast Park/Yard Waste Program Transition.

**Mr. Cody Maberry, Director of Community Services, gave a presentation relating to the transition of the Northeast Park/Yard Waste Program. The City Council directed the last day for the Yard Waste Drop-Off Program to be April 15, 2017.**

2. Receive a demonstration on InSite, the public-facing website that corresponds to the City's internal agenda management software.

**Mrs. Sarah Hensley, Management Assistant, gave a demonstration on InSite, the public-facing website that corresponds to the City's internal agenda management software.**

## **E. ADJOURN – The Pre-Council Meeting was adjourned by Mayor Mark Mathews at 6:20 P.M.**

### **REGULAR MEETING 7:00 P.M.**

## **A. CALL TO ORDER – Mayor Mark Mathews called the Regular Meeting to order at 7:00 P.M.**

## **B. INVOCATION – Pastor Gwynmar Fraser, Calvary Life Church, and Pastor Chris Hayes, Keller United Methodist Church gave the invocation.**

## **C. PLEDGE OF ALLEGIANCE**

1. Pledge to the United States Flag- **Mayor Mark Mathews led the pledge to the United States Flag.**
2. Pledge to the Texas Flag - "Honor the Texas Flag: I pledge allegiance to Thee, Texas, one State under God, one and indivisible." - **Mayor Mark Mathews led the pledge to the Texas Flag.**

## **D. PROCLAMATIONS & PRESENTATIONS - None**

## **E. PERSONS TO BE HEARD**

**This is a time for the public to address the City Council on any subject. However, the**

**Texas Open Meetings Act prohibits the City Council from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to City Staff for research and possible future action.**

**Mr. Louis Seldon, 1305 Clear Springs Drive, expressed his concerns with helicopter noise.**

## **F. CONSENT**

1. Consider approval of the minutes of the Regular City Council Meeting on Tuesday, February 21, 2017.

**A motion was made by Council Member Bill Hodnett, seconded by Council Member Armin Mizani, to approve the minutes of the Regular City Council Meeting on Tuesday, February 21, 2017 as proposed. The motion carried unanimously.**

## **G. OLD BUSINESS - None**

## **H. NEW BUSINESS**

1. PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for an Automobile Repair, Sales and Service use, Optic-Kleer, an auto glass repair use, in an existing 2,950 square-foot building on 0.613 acres of land, located on the northeast corner of the S. Main Street (US Hwy. 377) and Calverley Place intersection, at 220 Calverley Place, being Lot 1, South Meadow Industrial Park Addition, and zoned C (Commercial). Eric Howe, owner/applicant. (SUP-17-0006)

**Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a Specific Use Permit (SUP) for an Automobile Repair, Sales and Service use, Optic-Kleer, an auto glass repair use, in an existing 2,950 square-foot building on 0.613 acres of land, located on the northeast corner of the S. Main Street (US Hwy. 377) and Calverley Place intersection, at 220 Calverley Place.**

**Mayor Mark Mathews opened the public hearing. No public comments were received.**

**A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Bill Hodnett, to close the public hearing. The motion carried unanimously.**

**A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Ed Speakmon, to approve Ordinance No. 1831 approving a Specific Use Permit (SUP) for an Automobile Repair, Sales and Service use, Optic-Kleer, an auto glass repair use, in an existing 2,950 square-foot building on 0.613 acres of land, located on the northeast corner of the S. Main Street (US Hwy. 377) and Calverley Place intersection, at 220 Calverley Place, being Lot 1, South Meadow Industrial Park Addition, and zoned C (Commercial). The motion carried unanimously.**

2. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.07, Off-Street Parking and Loading Requirements, 2130 Fawkes Lane, an approximately 0.80-acre tract of land on the south side of Fawkes Lane approximately 1570 feet east of the intersection

of Fawkes Lane and North Pearson Lane, being Lot 1, Block 1, Timber Knoll Estates, and zoned SF-20 (Single-Family - 20,000 square foot minimum). Jason Paige, owner/applicant. (UDC-17-0001)

**Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.07, Off-Street Parking and Loading Requirements, 2130 Fawkes Lane.**

**A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Ed Speakmon, to approve Resolution No. 3856 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.07, Off-Street Parking and Loading Requirements, 2130 Fawkes Lane, an approximately 0.80-acre tract of land on the south side of Fawkes Lane approximately 1570 feet east of the intersection of Fawkes Lane and North Pearson Lane, being Lot 1, Block 1, Timber Knoll Estates, and zoned SF-20 (Single-Family - 20,000 square foot minimum) with the following variance:**

- 1. The variance for the total attached garage door exposure facing the street to exceed seventy-two (72) square feet, up to one hundred forty four (144) square feet, as shown with the attached "Exhibit A" shall be allowed.**

**The motion carried unanimously.**

- 3. Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.19, Tree and Natural Feature Preservation, for Lots 1R and 3R, Bohannon Addition, an approximately 22.19-acre subdivision on the north side of Creek Road, being 3355, and 3327 Creek Road, and zoned SF-36 (Single-Family - 36,000 square foot minimum lots). Rodger and Donna Bohannon, owners. Susan and Brandon Thomas, applicants. (UDC-17-0003)**

**Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.19, Tree and Natural Feature Preservation, for Lots 1R and 3R, Bohannon Addition, an approximately 22.19-acre subdivision on the north side of Creek Road, being 3355, and 3327 Creek Road.**

**Mrs. Susan Thomas, applicant, addressed the City Council regarding the proposal.**

**A motion was made by Council Member Eric Schmidt, seconded by Mayor Pro Tem Rick Barnes, to approve Resolution No. 3857 approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.19, Tree and Natural Feature Preservation, for Lots 1R and 3R, Bohannon Addition, an approximately 22.19-acre subdivision on the north side of Creek Road, being 3355, and 3327 Creek Road, and zoned SF-36 (Single-Family - 36,000 square foot minimum lots) with the following variance:**

- 1. The variance request to Section 8.19 (C.1.b.2) of the UDC to allow a tree survey that is older than two (2) years shall be allowed.**

**The motion carried unanimously.**

4. Consider a resolution approving a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 - Residential District Detached Signs, for Milestone Church, located on approximately 54.28 acres of land on the north side of Mount Gilead Road, approximately 1,000 feet east of U.S. Highway 377, being Tracts 1A, 3A, 3A1, 3E, and 3D out of the JJ Roberts Survey, Abstract No. 1305, and Tract 2C out of the Gilbert Gustavus Survey, Abstract No. 577, zoned PD- SF-15 (Planned Development- Single Family Residential-15,000 square foot minimum) and PD-PH-6.5 (Planned Development-Patio Homes-6,500 square foot minimum). Milestone Church, owner/applicant/developer. (UDC-17-0002)

**Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 - Residential District Detached Signs, for Milestone Church, located on approximately 54.28 acres of land on the north side of Mount Gilead Road, approximately 1,000 feet east of U.S. Highway 377, being Tracts 1A, 3A, 3A1, 3E, and 3D out of the JJ Roberts Survey, Abstract No. 1305, and Tract 2C out of the Gilbert Gustavus Survey, Abstract No. 577.**

**Mr. Tom Mayfield, Project Manager for Milestone Church, addressed the City Council regarding the proposal.**

**A motion was made by Council Member Armin Mizani, seconded by Council Member Ed Speakmon, to approve Resolution No. 3858 approving a Special Exception to the City of Keller Unified Development Code, Article 8, Zoning Districts, Development Standards, Tree Preservation, Section 8.09 - Residential District Detached Signs, for Milestone Church, located on approximately 54.28 acres of land on the north side of Mount Gilead Road, approximately 1,000 feet east of U.S. Highway 377, being Tracts 1A, 3A, 3A1, 3E, and 3D out of the JJ Roberts Survey, Abstract No. 1305, and Tract 2C out of the Gilbert Gustavus Survey, Abstract No. 577, zoned PD- SF-15 (Planned Development- Single Family Residential-15,000 square foot minimum) and PD-PH-6.5 (Planned Development-Patio Homes-6,500 square foot minimum) with the following conditions:**

- 1. A special exception to allow two (2) monument signs to exceed thirty-two (32) square feet up to a maximum of seventy-five (75) square feet shall be allowed.**
- 2. A special exception to allow two (2) monument signs to not provide the six-inch (6") masonry frame and two-foot (2') masonry base, and be constructed primarily of aluminum, as shown in Exhibit "A" shall be allowed.**
- 3. A special exception to allow one (1) internally illuminated monument sign within one-hundred fifty feet (150') of a residential property line on Mount Gilead Road shall be allowed. The sign illumination shall be limited to no later than 11:00 p.m. daily unless associated with a church special event.**

**The motion carried with the following vote:**

**AYE: 6 - Mayor Mark Mathews, Council Member Armin Mizani, Council Member Ed Speakmon, Council Member Eric Schmidt, Council Member Bill Hodnett, and Mayor Pro Tem Rick Barnes.**

**NAY: 1 - Council Member Debbie Bryan.**

5. **PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) for Braum's, a proposed 5,990 square-foot restaurant with drive-thru, on a 1.45-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 1,000 east of Town Center Lane, at 1221 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center). Greenway-Keller, L.P., owner. Braum's Ice Cream, applicant/developer. (SUP-17-0001)

**Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a Specific Use Permit (SUP) for Braum's, a proposed 5,990 square-foot restaurant with drive-thru, on a 1.45-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 1,000 east of Town Center Lane, at 1221 Keller Parkway.**

**Mr. Gordon Pulis, applicant, addressed the City Council regarding the proposal.**

**Mayor Mark Mathews opened the public hearing.**

**The following individuals spoke in support of a Specific Use Permit (SUP) for Braum's: Ms. Sherry Canada Bell, 1085 Sunset Court; Mr. Jordan Zongol, 1175 Keller Parkway; and Mr. Louis Seldon, 1305 Clear Springs Drive.**

**The following individuals spoke in opposition to a Specific Use Permit (SUP) for Braum's: Mr. Rodrigo Celis, 1208 Clark Springs Drive; Mr. Nader Famili, 1206 Clark Springs Drive; Mr. Ignacio Didiego, 1210 Clark Springs Drive; Mr. Mitch Holmes, 1104 Oak Bend Lane; and Mr. Robert Quintana, 1212 Clark Springs Drive.**

**A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Eric Schmidt, to close the public hearing. The motion carried unanimously.**

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Bill Hodnett, to approve Ordinance No. 1832 approving a Specific Use Permit (SUP) for Braum's, a proposed 5,990 square-foot restaurant with drive-thru, on a 1.45-acre tract of land, located on the north side of Keller Parkway (F.M. 1709), approximately 1,000 east of Town Center Lane, at 1221 Keller Parkway, being a portion of Tract 2E out of the Pamela Allen Survey, Abstract No. 28, and zoned TC (Town Center) with the following conditions:**

- 1. A Specific Use Permit for Braums, a proposed 5,990 square-foot restaurant with drive-thru, within the TC (Town Center) zoning district shall be allowed.**
- 2. The variance request to Section 8.02 (P.4.c.8) of the UDC to allow a flat roof shall be allowed.**

**The motion carried unanimously.**

**Mayor Mark Mathews recessed the meeting at 8:29 P.M.**

**The meeting reconvened at 8:37 P.M.**

6. PUBLIC HEARING: Consider an ordinance approving a Planned Development Amendment Zoning Change from PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to amend the previously approved Planned Development for a tennis club and training facility, located on an approximately 26.99-acres of land, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, located on the west side of Keller Smithfield Road, approximately 400 feet north of Johnson Road, at 660 and 680 Keller Smithfield Road. D.R. Newton, owner. Jennifer Dent, applicant. Adams Engineering, engineer. (Z-17-0001)

**Mr. David Hawkins, Planning Manager, gave a presentation relating to a request for a Planned Development Amendment Zoning Change from PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to amend the previously approved Planned Development for a tennis club and training facility, located on an approximately 26.99-acres of land, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, located on the west side of Keller Smithfield Road.**

**Mr. Taylor Dent, applicant, and Mr. Thomas Sengen, Arizon Structures, addressed the City Council regarding the proposal.**

**Mayor Mark Mathews opened the public hearing.**

**The following individuals spoke in support to the Planned Development Amendment Zoning Change: Mr. Micah Greenlee and Ms. Kristin Greenlee (Mother), 1525 Goldenrod Lane; Mr. Bob DeJonge, 12260 Fairway Meadows, Fort Worth; Mr. Bill Thoma, 633 Keller Smithfield Road; Ms. Christina Allen, 1220 Thornwood Drive; Mr. Kenneth Curley, 1200 Bridgeton Lane; Mr. Rich Stoller, 605 Keller Smithfield Road; Mr. Mark Knowles, 100 Highland Oaks Court, Southlake; Ms. Jana Stokes, 2312 Tall Woods Trail; Mr. Gerald Kinman, 645 Keller Smithfield Road; Mr. Richard Walton, 661 Keller Smithfield Road; Mr. Dave Vinsant, 2819 Country Glen Lane; Ms. Nicole Dandoy, 501 Unbridled Lane; Mr. Jim Boyle, 1262 Oak Hill Road; and Ms. Theresa Nuttall, 1744 Adalina Drive.**

**The following individuals spoke in opposition to the Planned Development Amendment Zoning Change: Mr. Scott Swords, 1250 Johnson Road; Ms. Celeste Davis, 1207 Johnson Road; Mr. Todd Bishop, 1330 Johnson Road; Ms. Brenda Sexton, 1347 Johnson Road; Mr. Paul Hafey, 416 Silverado Trail; Ms. Kelly Jackson, 1205 Johnson Road; Mr. Brian Campbell, 1201 Johnson Road; Mr. Jeffrey Davis, 1207 Johnson Road; Mr. Ryan Gatlin, 508 Santa Barbara Drive; Mr. Matt Shaltry, 1323 Johnson Road; and Mr. Steve Salzman, 512 Silverado Trail.**

**Mr. Alfred Shanmoradian, 1504 Sagebrush Trail, expressed support of the proposal with concerns of noise pollution.**

**A motion was made by Council Member Bill Hodnett, seconded by Council Member Eric Schmidt, to close the public hearing. The motion carried unanimously.**

**A motion was made by Council Member Debbie Bryan, seconded by Council Member Bill Hodnett, to approve an ordinance approving a Planned Development Amendment Zoning Change from PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to amend the previously approved Planned Development for a tennis club and training facility, located on an approximately 26.99-acres of land, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, located on the west side of Keller Smithfield Road, approximately 400 feet north of Johnson Road, at 660 and 680 Keller Smithfield Road. The motion failed due to super majority with the following vote:**

**AYE: 5 - Mayor Mark Mathews, Council Member Debbie Bryan, Council Member Ed Speakmon, Council Member Eric Schmidt, and Council Member Bill Hodnett.**

**NAY: 2 - Council Member Armin Mizani, and Mayor Pro Tem Rick Barnes.**

**A motion was made by Council Member Armin Mizani, seconded by Mayor Pro Tem Rick Barnes, to table the request for a Planned Development Amendment Zoning Change from PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to PD-SF-36 (Planned Development-Single Family Residential-36,000 square foot minimum) to amend the previously approved Planned Development for a tennis club and training facility, located on an approximately 26.99-acres of land, being Tract 3D and 3D01 out of the Daniel Bancroft Survey, Abstract No. 141, located on the west side of Keller Smithfield Road, approximately 400 feet north of Johnson Road, at 660 and 680 Keller Smithfield Road, to the April 4, 2017 Regular City Council Meeting. The motion carried unanimously.**

## **I. DISCUSSION – None**

## **J. EXECUTIVE SESSION**

**Executive Session was not held during the Regular Meeting.**

**1. Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.**

- (1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or**
- (2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.**



2. Adjourn into Open Meeting.
3. Action on Executive Session Item 1 if necessary.

**1. No action taken**

**K. ADJOURN**

**A motion was made by Mayor Pro Tem Rick Barnes, seconded by Council Member Armin Mizani, to adjourn the meeting at 10:55 P.M. The motion carried unanimously.**

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Mark Mathews, Mayor

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Kelly Ballard, City Secretary